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SEC. 4. That ordinance No. 24415 (new series), entitled "An ordinance regulating the establishing, conducting, and maintaining of morgues and undertaking establishments," approved February 27, 1912, and ordinance No. 9695 (new series), entitled "An ordinance regulating the location of morgues and undertaking establishments," approved July 13, 1904, be, and the same are hereby, repealed: *Provided*, That such repeal shall not affect or prevent the prosecution and punishment of any person, firm, or corporation for any act done or permitted in violation of any provision of said ordinances which are repealed by this ordinance, and shall not affect any prosecution or action which may be pending in any court for the violation of the ordinances repealed by this ordinance.

SEC. 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than \$5 nor more than \$500, or by imprisonment in the city jail for a period of not less than five days nor more than six months, or by both such fine and imprisonment.

**Foodstuffs—Adulteration, Mislabeling, and Misbranding. (Ord. No. 26104, Oct. 22, 1912.)**

SECTION 1. It shall be unlawful for any person, firm, or corporation to sell or to offer or expose for sale, or to cause or permit to be sold or offered or exposed for sale, or to have in possession for sale any article of food that is adulterated, mislabeled, or misbranded within the meaning of this ordinance.

SEC. 2. The term "food" as used in this ordinance shall be deemed to and shall include all articles used by man or other animals for food, drink, confectionery, or condiment, whether simple, mixed, or compound.

SEC. 3. Food shall be deemed to be adulterated within the meaning of this ordinance in any of the following cases:

First. If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value.

Second. If any substance has been substituted wholly or in part for the article of food.

Third. If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, polished, stained, or bleached in any manner whereby damage or inferiority is concealed.

Fifth. If it contain any added sulphurous acid, sulphur dioxide or sulphites, benzoic acid or benzoates, except as hereinafter provided, or if it contain any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, alum, compounds of copper, betanaphthol, hydronaphthol, abrasol, asapol, oxides of nitrogen, nitrous acid or nitrites, pyroligenous acid, or any added poisonous or other added deleterious ingredient: *Provided*, That in dried fruits and molasses, sulphur dioxide or sulphites may be present in such quantities as will not render such dried fruits or molasses injurious to health; and that in catsup, mincemeat, sweet chowchow, sweet pickles, preserves, jams, jellies, fruit butters, and similar products, shredded and dried codfish, and cider, sodium benzoate or benzoic acid may be used: *Provided*, That when any quantity of sodium benzoate or benzoic acid or any sulphur dioxide or sulphite is used in any such food the fact and amount shall be plainly stated on each package of such food.

Sixth. If it consists, in whole or in part, of a filthy, decomposed, or putrid animal or vegetable substance, or of any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is from a source that it is likely to be or become

filthy, unclean, insanitary, or dangerous or deleterious to health, or if it is packed or placed in a filthy or unclean container or because of the method or manner of handling said container it is likely to be or become filthy, unclean, or insanitary, or if it is a product of any diseased animal or one that has died otherwise than by slaughter.

Seventh. In the case of confectionery, if it contains any substance mentioned in part "fifth" of this section, or if it contains terra alba, barytes, talc, chrome yellow, paraffin, or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any alcoholic liquor or alcohol or narcotic drug.

Eighth. In the case of vinegar, if it be artificially colored.

Ninth. If it does not conform to the standard of purity therefor as proclaimed by the Secretary of the United States Department of Agriculture.

SEC. 4. Food shall be deemed to be mislabeled or misbranded within the meaning of this ordinance in any of the following cases:

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded so as to deceive or mislead or tend to deceive or mislead the purchaser, or if it be falsely labeled in any respect, or if the package or its label shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular.

Third. If, having no label, it is an imitation or an adulterated article, or is sold or offered for sale under a name, designation, description, or representation which is false or misleading in any particular.

SEC. 5. The term "package," as used in this ordinance, shall include any receptacle, vessel or container of whatsoever nature or material that is used for inclosing any article of food.

SEC. 6. The possession of any adulterated, mislabeled, or misbranded article of food by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this ordinance.

SEC. 7. It shall be unlawful for any person, firm, or corporation offering or exposing for sale or keeping exposed to view any article of food in any store or place where merchandise is sold, to refuse to sell a sample of such article of food for its reasonable market price or value to the health commissioner of the city of Los Angeles, or to any inspector or employee in the health department of the said city, upon demand, if such health commissioner, inspector, or employee shall declare at the time of making such demand that such sample is required for analysis.

SEC. 8. No dealer shall be convicted pursuant to the provisions of this ordinance when he can establish a guaranty, signed by the wholesaler, jobber, manufacturer, or other party, residing in the United States, from whom such dealer purchased the article complained of, to the effect that such article is not adulterated, mislabeled, or misbranded. Said guaranty to afford protection must contain the name and address of the person, firm, or corporation making the sale of such guaranteed article to such dealer and an itemized statement showing the article or articles so sold, or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the wholesaler, jobber, or manufacturer residing in the United States and given a serial number, which number shall appear on each and every package of goods sold under such guaranty, with the words, "Guaranteed under the food and drug act of June 30, 1906": *Provided, however*, That if the health commissioner of the city of Los Angeles or anyone deputed by him shall notify any dealer having a guaranteed article for sale that such article is adulterated, mislabeled, or misbranded within the meaning of this ordinance, then said guaranty shall not protect such

dealer from prosecution and conviction of a violation of the provisions of this ordinance: *Provided*, That if any dealer shall, for the purposes of sale, exchange, or delivery remove from the original package any article of food, then such guaranty shall not protect such dealer from prosecution and conviction unless such dealer shall label such article with the same and all information required under this ordinance to be upon such original package: *And provided*, That if any dealer shall transport, store, or keep any article of food in such a manner as to render it diseased, contaminated, filthy, decomposed, putrid, or unwholesome said guaranty shall not protect such dealer from prosecution and conviction.

SEC. 9. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500 or by imprisonment in the city jail for a period of not more than six months, or by both such fine and imprisonment.

SEC. 10. That ordinance No. 25034 (new series) entitled, "An ordinance prohibiting the sale of any article of food or drink to which has been added any antiseptic, anti-ferment, or preservative compound or chemical," approved May 8, 1912, be, and the same is hereby, repealed: *Provided*, That any such repeal shall not affect or prevent the prosecution and punishment of any person, firm, or corporation for any act done or permitted in violation of any ordinance which may be repealed by this ordinance, and shall not affect any prosecution or action which may be pending in any court for the violation of any ordinance repealed by this ordinance.

#### **Fruits and Vegetables—Production, Care, and Sale. (Ord. No. 26,146, Oct. 29, 1912.)**

SECTION 1. It shall be unlawful for any person, either as owner, agent, or employee or otherwise, to sell or expose or offer for sale, or to keep or have for sale, or to give away or have in possession, any lettuce, celery, strawberries, tomatoes, radishes, or onions that have been irrigated with sewage, or any fruit or vegetable that is infected with any scale or other insect injurious to trees, plants, vines, fruits, or vegetables, or that is infected with the egg, larva, pupa, of such insect, or that is wholly or partially decayed, or that has been frosted or that is affected in any manner so as to be unwholesome or unfit for human food.

SEC. 2. It shall be unlawful for any person, either as owner, agent or employee, to sell or expose for sale, to keep or have for sale, or to give away or to have in possession any strawberries, raspberries, guavas, currants, or other berries or soft fruits packed in any basket or box which has already once previously contained other berries or soft fruits of the same or any other kind, or to sell or expose for sale, to keep or to have for sale, or to give away or have in possession any fruit or vegetables that have been packed in any basket, box, or sack which has previously contained fruit, vegetables, fertilizer, manure, garbage, or other substance which might taint or make such fruit or vegetables unwholesome, or to haul or store or keep any fruit or vegetables in any wagon, car, stall, building, or other place which has previously contained fertilizer, manure, garbage, dead animals, or other substance which might taint or make such fruit or vegetables unwholesome, until said wagon, car, stall, building, or other place is thoroughly cleaned and fumigated to the satisfaction of the health commissioner or any of the health inspectors.

SEC. 3. All fruits, vegetables, candies, or confectionery sold, offered or exposed for sale, or kept or maintained or stored for sale, or given away or held or kept by any person within the city of Los Angeles shall be subject to inspection at all times by the health commissioner of the city of Los Angeles or any of his deputies, or any of the fruit and vegetable inspectors of the health department of said city, and the said health commissioner and his deputies and said fruit and vegetable inspectors are hereby authorized and empowered to enter any place or places where fruits, vegetables,